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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,003	12/12/2003	Rodney Carlton Burnett	AUS920010163US2	2307
7590 Darcell Walker Suite 250 9301 Southwest Freeway Houston, TX 77074			EXAMINER TURCHEN, JAMES R	
			ART UNIT	PAPER NUMBER
			2139	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/735,003

Applicant(s)

BURNETT, RODNEY CARLTON

Examiner

James Turchen

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 18-25 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21, 22, and 25 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The term "file space number" or "index file space number" is included in claims 21 and 22 and is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). File space numbers are used in claim 21 as an index number, but it is unclear how applicant or one of ordinary skill in the art may obtain and use a file space number. File space numbers are compared with the file location numbers in claims 22 and 25 and it is unclear how applicant obtains and uses the file space number.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Duvall et al. (US 4,761,737).

Regarding claim 18:

Duvall et al. discloses a method for generating a file identifier for controlling access to file system resources (column 2 lines 1-14 disclose the use of an inode which inherently contains user ID, group ID and file mode which determines the read-write privileges of the users) in a computer system comprising the steps of obtaining a unique physical attribute of the file system object (column 2 lines 1-14 disclose the use of an inode which contains the physical location of a file), obtaining the name of the file system object (column 2 lines 18-28 disclose the use of a directory system which contains the names of the files), and constructing a file identifier for that file system object from said unique physical attribute and said file system object name (column 2 lines 18-28, each directory entry (file ID) links the file name to the inode that contains the physical location).

Regarding claim 19:

Duvall et al. discloses the method as described in claim 18 further comprises an initial step of generating a data structure (column 2 lines 31-45 disclose the hierarchical file system that is tree-structured) having a pointer to an index related to the physical location of the requested file (the directories contain the file names and pointers to the inode which points to the location; each inode is referenced by its inode number and looked up in an inode table) in the file system and a pointer to a directory containing the requested file resource (examiner interprets this as a higher level directory pointing to a sub-directory that contains the file).

Regarding claim 20:

Art Unit: 2139

Duvall et al. discloses the method as described in claim 19 wherein the step of obtaining a unique physical attribute comprises the step of retrieving a file location number where the requested file system resource resides (column 2 lines 1-14, the inode inherently contains a pointer to the physical location).

Regarding claim 21:

Duball et al. discloses the method as described in claim 20 wherein said file location number can be retrieved from an index containing file space numbers or from a serial number generated using a programming interface (examiner interprets file space number to be an index number, inodes are inherently referenced by an inode number and are indexed by their number in a table).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duvall et al. as applied to claim 18 above, and further in view of Sakurai (US 5,093,779).

Regarding claim 22:

Duvall et al. discloses the method as described in claim 1 wherein the step of obtaining the name of the file system further comprising opening the directory identified in that data structure and retrieving the file name of the resource out of the directory entry (column 2 lines 31-45 discloses directories and sub-directories; it is inherent in a directory file system that the directory is opened and the file names are retrieved). Duvall et al. does not disclose reading the file location number and comparing the file location number with the file space number. Sakurai discloses reading the file location number and comparing file space number with the file location number (column 3 lines 19-38 disclose the location of a data block is with the data area, 150, in which the directory files and/or real files are stored is expressed by the correspondence between the index sections within the data management block and linkage data section; examiner interprets the index number 001 to be equivalent to the block 001 of storage, index 002 to block 002, etc.).

Regarding claim 23:

Duvall et al. and Sakurai disclose the method as described in claim 22 wherein said file identifier construction step comprises placing the index at the beginning of the file of bytes that will be the file identifier and appending the file name to the file of bytes (Figure 2, Sakurai shows a row (File ID) with the name of a file and the index number;

Art Unit: 2139

the index number could be placed at the beginning of the sequence of bytes that make up the file ID).

Regarding claim 24:

Duvall et al. and Sakurai disclose the method as described in claim 22 further comprising after said comparing step retrieving the next entry in the directory when the said comparison is not equal, determining if this entry is the last entry, and proceeding to read said entry, when said entry is not the last entry (Figure 4, Sakurai shows the directory system with each directory having a list of items within the directory; it is inherent to scan through each entry in the list when outputting all the contents of a directory).

Regarding claim 25:

Duvall et al. and Sakurai disclose the method as described in claim 24 further comprising the step of returning no file identifier when no directory entry file location number equals the index file space number (Figure 4, it is inherent to return no file identifier if the file does not exist).

It would have been inherent to one of ordinary skill in the art to combine the file system that contains links to the index and file location as disclosed by Sakurai with the file system of UNIX disclosed by Duvall et al. in order to provide a computer file system, which enables the operator to reorganize the directory or file structure through a simpler operation (Sakurai, column 1, lines 31-34).

Art Unit: 2139

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses file systems and naming methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Turchen whose telephone number is 571-270-1378. The examiner can normally be reached on MTWRF 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRT

Taghi T. Arani
Principal Examiner
Jan 10, 2007
411107